

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 1432—African Growth and Opportunity Act

H.R. 992—Tucker Act Shuffle Relief Act

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H.R. 1432—African Growth and Opportunity Act

Floor Situation: The House is scheduled to consider H.R. 1432 as its first order of business today. Yesterday, the Rules Committee granted a structured rule that provides two hours of general debate, with one hour equally divided between Mr. Gilman and Mr. Hamilton, and one hour equally divided between Mr. Archer and Mr. Rangel. The rule self-executes (i.e., incorporates into the base text upon passage of the rule) an amendment to clarify that the bill does not create any new entitlement authority by requiring that the newly-created position of Assistant Trade Representative be paid for from appropriated funds. Furthermore, the rule makes in order six amendments, debatable in the order listed and for the amount of time specified below. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 1432 authorizes a new trade and investment policy for sub-Saharan Africa. It establishes a series of mechanisms by which the president determines the *eligibility* of a specific sub-Saharan African nation to participate in broader U.S. economic and financial aid programs. The president determines a country's eligibility based on the its adherence to human rights, its commitment to economic reform, and its reduction of tariff barriers to trade. The bill also (1) requires the president to establish a U.S./sub-Saharan Africa Trade and Economic Cooperation Forum; (2) requires the president to pursue a U.S./sub-Saharan Africa Free Trade Area or some other form of free trade agreement; (3) requires the U.S. to eliminate existing quotas on textile and apparel exports to the U.S. from Kenya and Mauritius; (4) extends duty-free treatment under the Generalized System of Preferences (GSP) to countries in sub-Saharan Africa that are eligible to participate, until June 30, 2008; and (5) directs the president to establish a position of Assistant U.S. Trade Representative for Africa within the Office of the U.S. Trade Representative to focus on trade issues relating to sub-Saharan Africa. CBO estimates that enacting H.R. 1432 will reduce federal receipts from tariffs by

\$231 million over the FY 1998-2003 period. It also, however, projects increased receipts of \$281 million over the same period from certain revenue raising provisions. Overall, the net effect is increased federal revenues of \$50 million over the next five years. The bill was introduced by Mr. Crane et al.; the International Relations Committee ordered the bill reported by voice vote on June 25, 1997, and the Ways & Means Committee ordered its portion reported by voice vote on October 23, 1997.

Views: The Republican Leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time; however, the Office of Management and Budget has reported that the administration will support the bill.

Amendments: As stated above, the rule makes in order the following six amendments, each debatable in the order listed for the amount of time specified below:

Mrs. Smith (WA), Mr. Wolf, and Mr. Payne may offer an amendment, debatable for 10 minutes, to add as a new eligibility requirement under the bill whether or not a sub-Saharan country is actively cooperating with the U.S. in the fight to eliminate slavery. Proponents of the amendment note that slavery is still prevalent in the Sudan and Mauritania and argue that countries should take steps to eliminate this practice before they become eligible to receive trade benefits.

Ms. Waters may offer an amendment, debatable for 20 minutes, to clarify the eligibility requirements under the bill to ensure that a country does not have to achieve every single requirement in order for it to become eligible to participate in new trade and investment policy with the U.S. Proponents of the amendment argue that the eligibility requirements are a list of factors to be considered, but should not be considered a list of necessary prerequisites. *Staff Contact: Mike Schmitz, x5-2201*

Ms. Waters may offer an amendment, debatable for 20 minutes, to authorize a minimum annual level of funding for the Development Fund for Africa (DFA). Last year, in the FY 1998 Foreign Operations Appropriations Act, Congress appropriated no funding for the DFA. *Staff Contact: Mike Schmitz, x5-2201*

Ms. Waters may offer an amendment, debatable for 20 minutes, to require the president to encourage investment among joint ventures between small and large businesses as he establishes a U.S./sub-Saharan African Free Trade Area. *Staff Contact: Mike Schmitz, x5-2201*

Mr. Davis (IL) may offer an amendment, debatable for 10 minutes, to state the sense of Congress that the U.S. government should make every effort to donate obsolete air traffic control equipment, including related reimbursable technical assistance, to eligible sub-Saharan African countries. *Staff Contact: Richard Boykin, x5-5006*

Mr. Bereuter and Mr. Solomon may offer an amendment, debatable for 20 minutes, to allow the president the discretion to designate certain additional countries (i.e., Morocco, Algeria, Egypt, Tunisia, and the region referred to as the Western Sahara region of northwest Africa) as eligible to participate in the programs of the bill if the president determines that the country or region meets the requirements in the bill and that the designation is in the national interest of the United States. The

amendment outlines a process for Congress to approve any new designations. **Staff Contacts:** *Dan Martz or Norah Broadbent (Bereuter), x6-7825; and Jim Doran (Solomon), x5-7985*

Additional Information: See *Legislative Digest*, Vol. XXVII, #5, March 6, 1998.

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H.R. 992—Tucker Act Shuffle Relief Act

Floor Situation: The House will consider H.R. 992 after it completes consideration of H.R. 1432. On Tuesday, the Rules Committee granted an open rule providing one hour of general debate, equally divided between the chairman and ranking member of the Judiciary Committee. The rule accords priority in recognition to members whose amendments have been pre-printed in the *Congressional Record*. It allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 992 provides concurrent jurisdiction to both U.S. district courts and U.S. Courts of Federal Claims to consider and settle lawsuits filed by private landowners who believe that the federal government has wrongfully taken their property. The bill grants the Court of Claims expanded power to provide all remedies for such lawsuits, whether they include seeking financial damages or halting the government's taking action through an injunction. Finally, H.R. 992 repeals section 1500 of Title 28 of the U.S. Code, which relegates Court of Claims' lawsuits to secondary priority to suits filed in federal district court. Currently, property owners from whom land has been taken must choose between suing for monetary damages in the Court of Federal Claims or halting the government's acquisition via an injunction in a federal district court. However, in attempting to file a lawsuit, landowners may be shuffled between both courts, with each claiming that the lawsuit must be filed in the other court first. CBO estimates that enactment of H.R. 992 will have no significant effect on the federal budget. H.R. 992 was introduced by Mr. Smith (TX) et al and was reported by the Judiciary Committee by a vote of 17-13 on October 7, 1997.

Views: The Republican Leadership supports passage of the bill. A Clinton Administration viewpoint was unavailable at press time.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 992:

Mr. Smith (TX) may offer an amendment (#1) to require that the provisions of H.R. 992 be superseded when a property owner sues the federal government for a property taking which occurs based on a rule of law other than the U.S. Constitution's Fifth Amendment and where the rule of law dictates that any lawsuit must be heard in specific court other than a federal district court. The intent of the amendment is to clarify that, in the event that property is acquired by the federal government through statutory action—for example, under an environmental harm statute, where the statute used to seize the property dictates that any legal action must be considered by a U.S. Court of Appeals—

plaintiffs may decide to sue in a federal district court and ignore the Court of Federal Claims. **Staff Contact: George Fishman (Judiciary Immigration Subcommittee), x5-5727**

Mr. Watt (NC) may offer an amendment (#2) to (1) grant sole jurisdiction over all federal takings claims to the U.S. district courts, regardless of the amount of damages sought by the claim; (2) allow the plaintiff to file separate lawsuits in both a federal district court and the Court of Federal Claims, or consolidate all lawsuits in federal district court; and (3) amend section 1500 of Title 28 of the U.S. Code to provide that lawsuits filed in the Court of Federal Claims which arise from the same set of facts as those suits filed in district court must maintain secondary priority to those filed in a district court. Currently, section 1500 requires that lawsuits considered by a district court maintain first priority in being ultimately resolved to those in the Court of Claims so long as they involve the same subject property. The amendment changes the focus from the property that was taken to the facts (*e.g.*, circumstances, laws, etc.) on which the government justifies its decision to acquire the property. **Staff Contact: Tina Hohn, x5-1510**

Additional Information: See *Legislative Digest*, Vol. XXVII, #5, March 6, 1998.

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PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

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House REPUBLICAN Conference Amendment Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

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Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

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